

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JULES NGAMBO,

Plaintiff,

-against-

CHASE,

Defendant.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 2/16/2022

20-CV-2224 (NSR)

ORDER OF SERVICE  
(SUPPLEMENTAL)

NELSON S. ROMÁN, United States District Judge:

Plaintiff, appearing *pro se*, brings this action asserting claims under the Fair Credit Reporting Act (FCRA), 15 U.S.C. § 1681. By order dated March 12, 2020, the Court granted Plaintiff's request to proceed without prepayment of fees, that is, *in forma pauperis* (IFP).

#### DISCUSSION

Because Plaintiff has been granted permission to proceed IFP, Plaintiff is entitled to rely on the Court and the U.S. Marshals Service to effect service. *Walker v. Schult*, 717 F.3d 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process . . . in [IFP] cases."); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)).<sup>1</sup>

Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that the summons and complaint be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served the summons and amended complaint until the Court reviewed the amended complaint and ordered that a summons be issued. The Court therefore

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<sup>1</sup> The Marshals Service attempted service on Defendant Chase at the address that Plaintiff provided, but on February 8, 2022, a return of service form was filed showing service unexecuted. (ECF 12.) The Court therefore issues this supplemental order.

extends the time to serve until 90 days after the date the summons is issued. If the amended complaint is not served within that time, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff's responsibility to request an extension of time for service); *see also Murray v. Pataki*, 378 F. App'x 50, 52 (2d Cir. 2010) ("As long as the [plaintiff proceeding IFP] provides the information necessary to identify the defendant, the Marshals' failure to effect service automatically constitutes 'good cause' for an extension of time within the meaning of Rule 4(m).").

To allow Plaintiff to effect service on Defendant Chase through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form ("USM-285 form") for this Defendant. The Clerk of Court is further instructed to issue a summons and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon this Defendant.

Plaintiff must notify the Court in writing if Plaintiff's address changes, and the Court may dismiss the action if Plaintiff fails to do so.

### CONCLUSION

The Clerk of Court is directed to mail a copy of this order to Plaintiff and show service on the docket.

The Clerk of Court is further instructed to issue a summons, complete the USM-285 form with the address for Defendant Chase, and deliver to the U.S. Marshals Service all documents necessary to effect service.

SO ORDERED.

Dated: February 16, 2022  
White Plains, New York



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NELSON S. ROMÁN  
United States District Judge

**DEFENDANT AND SERVICE ADDRESS**

Chase Bank (USA), N.A.  
c/o the Corporation Trust Center  
1209 Orange Street  
Wilmington, DE, 19801